

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25801-25850

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 19, 1936]

25801. Misbranding of ammonia water. U. S. v. Wilbur E. Crofton (Kight's Drug Store). Plea of guilty. Fine, \$10. (F. & D. no. 33911. Sample no. 62477-A.)

This case involved ammonia water that was approximately 40 percent below the minimum strength required by the United States Pharmacopoeia.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District an information against Wilbur E. Crofton, trading as Kight's Drug Store, Washington, D. C., charging sale in the District of Columbia by said defendant in violation of the Food and Drugs Act, on or about May 10, 1934, of a quantity of ammonia water that was misbranded. The article was labeled in part: "Stronger Ammonia Water Poison * * * Sold by Kight's Drug Stores * * *, Washington, D. C."

The article was alleged to be misbranded in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, and its own standard was not stated on the label.

The information also charged a violation of the Federal Caustic Poison Act, reported in notice of judgment no. 50 published under that act. On May 15, 1935, the defendant entered a plea of guilty, and the court imposed a fine of \$10 for violation of both acts.

W. R. GREGG, *Acting Secretary of Agriculture.*

25802. Misbranding of Sulfo-Kresol-Tabs. U. S. v. Ehrhart & Karl, Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36941. Sample no. 19495-E.)

The label of this article misrepresented its formula and contained therapeutic and curative representations which were adjudged to be false and fraudulent.

On April 29, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ehrhart & Karl, Inc., a corporation, Chicago, Ill., alleging shipment in violation of the Food and Drugs Act, as amended, on or about April 24, 1935, from Chicago, Ill., to Franklin, Ind., of a quantity of Sulfo-Kresol-Tabs which were misbranded. The article was labeled in part: (Bottle) "Prepared by Ehrhart & Karl Manufacturing Chemists * * * Chicago, Ill."

Analysis showed that the tablets contained oxyquinoline sulphate (slightly more than one-fourth grain per tablet) and lactose; no free sulphur and no cresol were found.

Misbranding of the article was charged (a) under the allegations that there were borne on the label attached to the bottle the statements, to wit, "Sulfo-Kresol-Tabs (C₆H₅-N. SO.)"; that the said statement represented that the article contained sulphur and cresol and the formula indicated a preparation containing no oxyquinoline sulphate; that the article contained no sulphur nor cresol, and did contain oxyquinoline sulphate; that the aforesaid statements

were false and misleading; (b) under the allegations that the label bore statements regarding the therapeutic or curative effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, as a treatment, remedy, and cure for inflammatory conditions, septicemia, and ulcerated throat.

It was also charged in the information that the article was misbranded under the Insecticide Act reported in notice of judgment no. 1453 published under that act.

On May 25, 1936, a plea of guilty having been entered, a fine of \$50 and costs was imposed for violation of both acts.

W. R. GREGG, *Acting Secretary of Agriculture.*

25803. Misbranding of Turcosol 17. U. S. v. Turco Products, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 36037. Sample no. 26466-B.)

The labeling of this product bore curative and therapeutic claims that were adjudged to be false and fraudulent.

On January 17, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Turco Products, Inc., Los Angeles, Calif., alleging shipment in violation of the Food and Drugs Act as amended, on or about January 27, 1935, from Los Angeles, Calif., to Seattle, Wash., of a quantity of a product "labeled Turcosol 17" that was misbranded.

Analysis showed that the article consisted of calcium hypochlorite, sodium chloride, sodium carbonate, lime, and moisture.

Misbranding of the article was charged under the allegations that there were borne on the labels on the tin containers statements regarding the curative or therapeutic effects of the article; that the said statements were false and fraudulent representations that the article was effective, among other things, to prevent, correct and control poultry diseases, bronchitis, cholera, colds, roup, chickenpox, diphtheria, white diarrhea, and pneumonia.

It was further charged in the information that the article was misbranded under the Insecticide Act of 1910 and the Federal Caustic Poison Act. (See notice of judgment no. 1455 published under the Insecticide Act and notice of judgment no. 51 published under the Caustic Poison Act.)

On March 2, 1936, a plea of guilty having been entered, a fine of \$100 was imposed for violation of the Food and Drugs Act.

W. R. GREGG, *Acting Secretary of Agriculture.*

25804. Misbranding of Spratt's Germicide and Spratt's Black Antiseptic Soap. U. S. v. Spratt's Patent (America) Ltd. Plea of guilty. Fine, \$150. (F. & D. no. 35987. Sample nos. 1209-B, 1213-B.)

This case involved interstate shipments of Spratt's Germicide and Spratt's Black Antiseptic Flea Soap, the labeling of which contained false and fraudulent curative and therapeutic claims.

On October 17, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Spratt's Patent (America) Ltd., a corporation trading at Newark, N. J., charging shipment by said corporation on or about December 21, 1933, and September 12, 1934, from the State of New York into the State of California, of quantities of articles labeled "Spratt's Germicide" and "Spratt's Antiseptic Flea Soap", and alleging that the articles were misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that Spratt's Germicide consisted of sodium hypochlorite, sodium chloride, sodium carbonate, sodium hydroxide, and water; and that Spratt's Black Antiseptic Soap consisted of sodium oxide (9.7 percent), fatty anhydride (80.1 percent), glycerin (2.2 percent), zinc oxide (0.4 percent), mercury biniodide (1.6 percent), carbon (2 percent), and water (4 percent).

The article described as "Spratt's Germicide" was alleged to be misbranded in that statements regarding its curative or therapeutic effects, appearing on the label, falsely and fraudulently represented that the article would be effective as a mouth wash for dogs in cases of fetid breath caused by bad teeth, gastritis, or distemper, and effective for sponging any pustular eruptions or removing discharges from the body.

The article described as "Spratt's Black Antiseptic Flea Soap" was alleged to be misbranded in that statements regarding its curative or therapeutic effects, contained in a circular shipped with the article, falsely and fraudulently represented that it would be effective as a disinfectant and germicide for the treatment of wounds and ulcers.